

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CIVIL RIGHTS CORPS, et al.,

Plaintiffs,

– against –

GEORGIA PESTANA, et al.,

Defendants.

No. 21-cv-09128 (VM)

**DECLARATION OF ELIZABETH
ANNE FIGUEIRA IN OPPOSITION
TO PLAINTIFFS' MOTION FOR
PARTIAL SUMMARY JUDGMENT**

I, **ELIZABETH ANNE FIGUEIRA**, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury that the following is true and correct to the best of my recollection:

1. I am an Assistant Attorney General in the Office of Letitia James, Attorney General of the State of New York, counsel to Defendants Hector J. LaSalle, Presiding Justice of the Appellate Division, Second Department, and Andrea E. Bonina, Chair of the Grievance Committee for the Second, Eleventh, and Thirteenth Judicial District in this action. I make this declaration in opposition to Plaintiffs' motion for partial summary judgment for the Third Claim of the Complain (ECF No. 59), dated November 4, 2021.

2. This Declaration attaches documents accessible over the internet and through subscription reference sources.

3. Attached as Exhibit 1 is a true and correct copy of the complaint form for the Attorney Grievance Form for the Attorney Grievance Committee for the First Department, dated July 30, 2020. This form is available at <https://www.nycourts.gov/courts/ad1/Committees&Programs/DDC/AGC%20Complaint%20Form%2007.30.2020.pdf>, last accessed on March 30, 2022.

4. Attached as Exhibit 2 is a true and correct copy of the "How to File a Complaint"

guide for the Attorney Grievance Committee for the First Department, dated July 30, 2020. This form is available at

<https://www.nycourts.gov/courts/ad1/Committees&Programs/DDC/How%20to%20File%20a%20Complaint%2007.30.2020.pdf>, last accessed on March 30, 2022.

5. Attached as Exhibit 3 is a true and correct copy of the Grievance Committee Complaint Form for the Supreme Court of the State of New York Appellate Division: Second Judicial Department. This form is available at

<https://www.nycourts.gov/courts/ad2/forms/Grievance%20Committee%20Complaint%20Form.pdf>, last accessed on March 30, 2022.

6. Attached as Exhibit 4 is a true and correct copy of the “How to Make a Complaint About a Lawyer” in the “Attorney Matters” section of the website for the Second Department (https://www.nycourts.gov/courts/ad2/attorney matters_ComplaintAboutaLawyer.shtml), last accessed on March 30, 2022.

7. Attached as Exhibit 5 is a true and correct copy of the Complaint Form for the State of New York Supreme Court, Appellate Division, Attorney Grievance Committee for the Third Judicial Department. This form is available at https://www.nycourts.gov/ad3/agc/Forms/Complaint_Form.pdf, last accessed on March 30, 2022.

8. Attached as Exhibit 6 is a true and correct copy of the “Instructions for Filing a Complaint for Professional Misconduct Against an Attorney” for the Attorney Grievance Committee for the Third Judicial Department. This form is available at <https://www.nycourts.gov/ad3/agc/Forms/Instructions%20for%20Filing%20Complaint%20-%20Electronically.pdf>, last accessed on March 30, 2022.

9. Attached as Exhibit 7 is a true and correct copy of the Attorney Grievance Complaint Form for the Supreme Court, Appellate Division, Fourth Judicial Department. This form is available at <https://www.nycourts.gov/courts/ad4/AG/AD4-Grievance-Complaint-form.pdf>, last accessed on March 30, 2022.

10. Attached as Exhibit 8 is a true and correct copy of an information guide “Overview” for the Attorney Grievance Committees for the Fourth Department. This form is available at <https://www.nycourts.gov/courts/ad4/AG/index.shtm>, last accessed on March 30, 2022.

11. Attached as Exhibit 9 is a true and correct copy of “Enhancing Fairness and Consistency Fostering Efficiency and Transparency” published by the NYS Commission on Statewide Attorney Discipline in September 2015. This publication is available at <http://ww2.nycourts.gov/sites/default/files/document/files/2020-10/AttyDiscFINAL9-24-1.pdf>, last accessed on March 30, 2022.

12. Attached as Exhibit 10 is a true and correct copy of Rule 16 of the Model Rules for Lawyer Disciplinary Enforcement, dated July 16, 2020 and published by the American Bar Association. This publication is available at https://www.americanbar.org/groups/professional_responsibility/resources/lawyer_ethics_regulation/model_rules_for_lawyer_disciplinary_enforcement/rule_16/ (last accessed on March 30, 2022).

13. Attached as Exhibit 11 is a copy of the definition of “upon” as defined in the Meriam Webster Collegiate Dictionary, 1375 (11th ed. 2003), with word highlighted for reference.

14. Attached as Exhibit 12 is a copy of the definition of “upon” as defined in the

Meriam Webster Dictionary online edition, accessible at <https://www.merriam-webster.com/dictionary/upon#learn-more> (last accessed on March 28, 2022).

15. Attached as Exhibit 13 is a copy of the definition of “upon, prep” as defined in the Oxford English Dictionary, accessible at <https://login.nyli.idm.oclc.org/login> through subscription service.

16. Attached as Exhibit 14 is a copy of the definition of “upon, adv” as defined in the Oxford English Dictionary, accessible at <https://login.nyli.idm.oclc.org/login> through subscription service.

Dated: March 31, 2022	LETITIA JAMES Attorney General of the State of New York By: <u>/s/ Elizabeth A. Figueira</u> Elizabeth A. Figueira, Esq. 28 Liberty Street New York, New York 10005 Tel.: (212) 416-8528 elizabeth.figueira@ag.ny.gov <i>Attorney for Justice Hector D. LaSalle and Andrea E. Bonina</i>
-----------------------	--